

Constitution of the Muscogee (Creek) Nation

CONSTITUTION OF THE MUSCOGEE (CREEK) NATION

Under the guidance of the Almighty God, our Creator, We the People of the Muscogee (Creek) Nation, to promote Unity, to establish Justice, and secure to ourselves and our children the blessings of Freedom, to preserve our basic Rights and Heritage, to strengthen and preserve self and local Government, in continued relations with the United States of America, do ordain and establish this Constitution for the Muscogee (Creek) Nation.

ARTICLE I

- Section 1. The name of this Tribe of Muscogee (Creek) people shall be “The Muscogee (Creek) Nation”, and is hereby organized under Section 3 of the Act of June 26, 1936 (48 Stat. 1967).
- Section 2. The political jurisdiction of The Muscogee (Creek) Nation shall be as it geographically appeared in 1900 which is based upon those Treaties entered into by the Muscogee (Creek) Nation and the United States of America; and such jurisdiction shall include, however not limited to, properties held in trust by the United States of America and to such other properties as held by the Muscogee (Creek) Nation, such property, real and personal to be TAX-EXEMPT from Federal and State taxation, when not inconsistent with Federal law.
- Section 3. The official seal of the Muscogee (Creek) Nation shall be the Seal as is illustrated:

ARTICLE II

- Section 1. Each Muscogee (Creek) Indian by blood shall have the opportunity for citizenship in The Muscogee (Creek) Nation.
- Section 2. This Constitution shall not abridge the rights and privileges of individual citizens of The Muscogee (Creek) Nation enjoyed as citizens of the State of Oklahoma and of the United States of America.
- Section 3. This Constitution shall not abridge the rights and privileges of persons of Muscogee (Creek) blood for purposes of claims against the United States of America.
- Section 4. This Constitution shall not affect the rights and privileges of individual citizens of The Muscogee (Creek) Nation in their trust relationship with the United States of America as members of a federally recognized tribe.

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Section 5. This Constitution shall not in any way abolish the rights and privileges of persons of the Muscogee (Creek) Nation to organize tribal towns or recognize its Muscogee (Creek) traditions.

ARTICLE III

Section 1. The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, a Citizenship Board comprised of five (5) citizens who shall be charged with the responsibility of the establishment and maintenance of a Citizenship Roll, showing degree of Muscogee (Creek) Indian blood based upon the final rolls prepared pursuant to the Act of April 26, 1906 (34 Stat. 137), and other evidence, as prescribed by ordinance.

Section 2. Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 173), and persons who are lineal descendants of those Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the act of April 26, 1906 (34 Stat. 137); (except that an enrolled member of another Indian tribe, nation, band, or pueblo shall not be eligible for citizenship in The Muscogee (Creek) Nation.)

Section 3. (a) All persons eligible for citizenship shall register as an applicant for citizenship; and

(b) The Citizenship Board shall certify citizenship, and the declaration of citizenship may be affirmed at any time with the name of the individual being entered on the citizenship roll, and the persons being recognized as a citizen of The Muscogee (Creek) Nation, provided that:

(1) the person is a Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), or the person is a lineal descendant of a Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137); and is not an enrolled member of another tribe, nation, or pueblo; and

(2) has made application to the Citizenship Board to become a citizen of The Muscogee (Creek) Nation;

(c). Except those persons who are Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), shall be automatically included as citizens of the Muscogee (Creek) Nation.

Section 4. Full citizenship in The Muscogee (Creek) Nation shall be those persons and their lineal descendants whose blood quantum is one-quarter (1/4) or more Muscogee (Creek) Indian, hereinafter referred to as those of full citizenship. All Muscogee (Creek) Indians by blood

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who are less than one-quarter (1/4) Muscogee (Creek) Indians by blood shall be considered citizens and shall have all rights and entitlement as members of the Muscogee (Creek) Nation except the right to hold office.

ARTICLE IV

- Section 1. The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, and Election Board comprised of five (5) citizens who shall be charged with the responsibility of conducting, as prescribed by ordinance, all regular and special elections of The Muscogee (Creek) Nation.
- Section 2. Every citizen of the Muscogee (Creek) Nation, regardless of religion, creed, or sex, shall be eligible to vote in the tribal elections provided that (a) they are registered voters for elections; (b) they are at least eighteen (18) years of age at the date of election, with the registrant providing sufficient proof of age to the Election Board; and (c) they hold citizenship.
- Section 3. All elections shall be by secret ballot.
- ~~Section 4. No candidate for office shall be considered elected unless the candidate receives a majority of the votes cast, when a candidate is unopposed for office., except when a candidate is unopposed for office¹~~
- Section 4. No candidate for office shall be considered elected:
- i. Unless the candidate receives a majority of the votes cast, or
 - ii. When a candidate is unopposed for office he/she shall be automatically declared the winner.²
- Section 5. If there is any office in which a candidate does not received the required majority of the votes, a run-off election shall be held between the two candidates receiving the highest number of votes in that particular election.
- Section 6. Election dates for offices of The Muscogee (Creek) Nation shall be no more than four (4) years apart.
- Section 7. All citizens shall be allowed to vote for the Principal Chief and any such national office that

¹Amended by NCA 81-91 by referendum vote on October 1981 (BIA 60 day limit expired)

²Amended by NCA 91-18 by referendum vote on December 7, 1991 (BIA approval - March 4, 1992)

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shall be created.

- Section 8. Only those citizens having legal residence in a district shall be allowed to vote in an election for that district.
- Section 9. All citizens having legal residences outside the herein defined jurisdiction of The Muscogee (Creek) Nation shall declare a home district within the Muscogee (Creek) Nation which shall be recognized as his legal residence for purposes of voting in tribal elections.

ARTICLE V

- Section 1. (a) ~~The executive power shall be vested in and shall be known as The Office of Principal Chief of The Muscogee (Creek) Nation. The Principal Chief shall hold office during a term of four (4) years upon election by majority of the votes cast. The term of office shall begin the first Monday in the new calendar year (January).~~ The Executive power shall be vested in and shall be known as the Office of the Principal Chief of the Muscogee (Creek) Nation. The Principal Chief shall hold office during a term of four (4) years upon election by majority of the votes cast. The term of office shall begin the first Monday in the new calendar year (January). No person shall serve office of Chief more than two (2) consecutive terms for which he/she is elected.³
- (b) No person, except a citizen holding full citizenship, having attained the age of thirty (30) and having been a legal resident within the political jurisdiction of The Muscogee (Creek) Nation for one (1) year immediately prior to filing for office, shall be eligible for Offices of Principal Chief or Second Chief.
- (c) In the case of vacancy, whether by removal, death, or resignation of the Office of Principal Chief, the line of succession shall be the Second Chief who shall be elected in the same manner as prescribed for the Principal Chief. In the event of a vacancy of the Office of Second Chief, that an election be held within 60 days to fill the office of the Second Chief unless it happens within the last six months of the term in which case the term would remain vacant until the next election.
- (d) The Principal Chief and the Second Chief shall, at stated times, receive for their services a fixed compensation, which shall neither be increased nor diminished during the period of which they shall have been elected.
- (e) Before the Principal Chief enters on the execution of his office, he shall publicly take the following oath or affirmation:

³Amended by NCA 91-19 by referendum vote on December 7, 1991 (BIA approval - March 4, 1992)

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"I do solemnly swear (or affirm) that I will faithfully execute The Office of Principal Chief of The Muscogee (Creek) Nation, and will, to the best of my ability, uphold the Constitution of The Muscogee (Creek) Nation."

- Section 2. (a) The Principal Chief shall create and organize the Executive Office of the Principal Chief; and
- (b) With the advice and consent of The Muscogee (Creek) National Council appoint offices of the Executive Office. The National Council may, by ordinance, vest the appointment of such inferior offices as they think proper in the Principal Chief alone or in the officers.
- (c) The Principal Chief shall have the power to fill vacancies by granting commissions which shall expire at the beginning of the next National Council meeting.
- Section 3. The Principal Chief shall prepare the annual budget requests and supplements thereto and with the advice and consent of the National Council administer funds within the control of The Muscogee (Creek) Nation.
- Section 4. The Principal Chief shall from time to time however not less than once a year give to The Muscogee (Creek) National Council information of the state of The Muscogee (Creek) Nation and recommend for their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions convene The Muscogee (Creek) National Council.

ARTICLE VI

- Section 1. The Muscogee (Creek) Nation, as it geographically appeared in 1900, shall be divided into eight (8) districts corresponding namely with the Counties of Creek, Hughes/Seminole⁴, McIntosh, Muskogee, Okfuskee/Seminole, Okmulgee, Tulsa, and Wagoner/Rogers/Mayes, in whole or portion thereof.
- Section 2. ~~All legislative power herein shall be vested in The Muscogee (Creek) National Council, which shall consist of one (1) House with one (1) representative from each district, and one (1) additional representative for each 1,000 district citizens.~~ All legislative power herein shall be vested in the Muscogee (Creek) National Council, which shall consist of one (1) House with one (1) Representative from each district and one (1) additional representative for each 1,500 citizens. And further, that the number of National Council Representatives will be set at a maximum of twenty-six (26) members and additional seats may not be added without constitutional amendment.⁵

⁴Amended by NCA 94- by referendum vote on

⁵Amended by NCA 95-37- by referendum vote on

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- (a) Each representative shall be elected by a vote of the district and shall hold office for two (2) years.
- ~~(b) Each representative shall be a legal resident of his district.~~
- (b) Each Representative shall be a legal resident of his District for a full calendar year.⁶
- (c) No person shall be a representative who has not attained the age of eighteen (18) and hold full citizenship or has a felony conviction within the past ten (10) years as of date of filing for candidacy, in a court of competent jurisdiction.⁷
- (d) The Muscogee (Creek) National Council shall elect from their number a Speaker, who shall preside over the Muscogee (Creek) National Council but shall have no vote unless the National Council be equally divided, and they shall choose a Second Speaker, who shall preside in absence of the Speaker.

Section 3. The term of office shall begin at the first meeting of the National Council following the first day of January and the oath of office shall be taken at the first meeting.

- Section 4.
- (a) A majority of the members of The Muscogee (Creek) National Council shall constitute a quorum to do business. A smaller number may adjourn or compel the attendance of absent members in a manner and under such penalties to be prescribed by ordinance.
 - (b) The Muscogee (Creek) National Council shall judge of the returns and qualifications of its members, determine the rules of its proceedings, penalize its members for disorderly behavior and, with the concurrence of two-thirds (2/3) of the National Council, expel a member from a meeting.

- Section 5.
- (a) The Muscogee (Creek) National Council member shall receive a compensation for his services, to be prescribed by ordinance and paid out of the Treasury of The Muscogee (Creek) Nation.
 - (b) The Muscogee (Creek) National Council, shall choose its own secretary whose compensation shall be provided by ordinance.
 - (c) No National Council member shall, during their term of office, be appointed to any civil office under the authority of the Muscogee (Creek) Nation or such office which shall have been created or the emoluments whereof shall have been increased

⁶Amended by NCA 91-22 by referendum vote on December 7, 1991 (BIA approval - March 4, 1992)

⁷Amended by NCA 95-45 by referendum vote on December 1995

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during such time; and no person holding any elective, appointive, or any other office whether compensated or not under The Muscogee (Creek) Nation shall be a member of the National Council during their continuance in office.

- Section 6.
- (a) Every bill which shall have passed the Muscogee (Creek) National Council, before it becomes ordinance, shall be presented to the Principal Chief of The Muscogee (Creek) Nation. If he approves, he shall sign it; but, if not, he shall return it with his objections to The Muscogee (Creek) National Council, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds (2/3) of the full membership of The Muscogee (Creek) National Council shall pass the bill, it shall become an ordinance. In such cases, the vote shall be determined by yeas and nays, and the names of the person voting for and against shall be entered on the journal of The Muscogee (Creek) National Council. If any bill shall be returned by the Principal Chief within ten (10) days, Sundays and holidays excepted, after it shall have been presented to him, the same shall be an ordinance as if he had signed it.
 - (b) Every order, resolution, or other act intended to reflect the policy of The Muscogee (Creek) Nation shall be submitted in accordance with the rules and limitations prescribed in case of a bill.
 - (c) Every ordinance, order, resolution, or other act intended to reflect the policy of The Muscogee (Creek) Nation shall be stamped with The Seal of The Muscogee (Creek) Nation and be signed by the Principal Chief of The Muscogee (Creek) Nation.
- Section 7.
- The National Council shall have the power (subject to any restrictions contained in the Constitution and laws of the United States of America) to legislate on matters subject to limitations imposed by this Constitution as follows:
- (a) To promote the public health and safety, education and welfare that may contribute to the social, physical well-being and economic advancement of citizens of The Muscogee (Creek) Nation.
 - (b) To negotiate with Federal, State, and local government and others.
 - (c) To manage, lease, prevent the sale of, dispose or otherwise deal with tribal lands, communal resources or other interest belonging to The Muscogee (Creek) Nation or reserved for the benefit of such Nation.
 - (d) To authorize and make appropriations from available funds for tribal purposes. All expenditures of tribal funds shall be a matter of public record open to all the citizens of The Muscogee (Creek) Nation at all reasonable times.
 - (e) To enter contracts in behalf of The Nation with any legal activity that will further

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the well-being of the members of The Muscogee (Creek) Nation.

- (f) to employ legal counsel.
- (g) To borrow money on the Credit of The Muscogee (Creek) Nation and pledge or assign chattels of future tribal income as security therefore.
- (h) To lay and collect taxes within the boundary of The Muscogee (Creek) Nation's jurisdiction from whatever source derived.
- (i) To create authorities with attendant powers to achieve objectives allowed within the scope of this Constitution.
- (j) To exercise any power not specifically set forth in this Article which may at some future date be exercised by The Muscogee (Creek) Nation.

ARTICLE VII

- Section 1. The judicial power of The Muscogee (Creek) Nation shall be vested in one Supreme Court limited to matters of The Muscogee (Creek) Nation's jurisdiction and in such inferior courts as the National Council may from time to time ordain.
- Section 2. The Supreme Court shall be composed of six (6) members appointed by the Principal Chief, subject to majority approval by the Muscogee (Creek) National Council, and whose term shall be for six (6) years beginning July 1.
- Section 3. The Supreme Court shall, with the approval of The Muscogee (Creek) National Council establish procedures to insure that the appellant receives due process of law and prompt and speedy relief.
- Section 4. The Supreme Court shall be presided over by a Supreme Court Justice chosen from their own number and shall be in regular, quarterly-scheduled session, coinciding with that of the fiscal year.
- Section 5. The decision of the Supreme Court shall be in writing and shall be final

ARTICLE VIII

- Section 1. The National Council shall enact an ordinance outlining procedures and causes for removal. Such procedures shall contain, but not limit to, the certification of the required petition, as provided in Section 2 and 3 of this Article and show of cause for removal, giving the accused an impartial hearing and allowance of time to answer to notice of such hearing.
- Section 2. A signed petition showing cause of removal containing twenty (20) percent of registered

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voters in a district shall be cause to consider removal of a council members.

- Section 3. A signed petition showing cause of removal containing twenty (20) percent of the registered voters of The Muscogee (Creek) Nation shall be cause to consider removal of the Principal Chief, Second Chief, and/or any member of the Supreme Court. A three-fourths (3/4) vote of The National Council shall be required for removal from office.

ARTICLE IX

- Section 1. (a) This Constitution shall be amended by:
- (1) Passage of an amendment ordinance before The Muscogee (Creek) National Council, which shall require two-thirds (2/3) affirmative vote and thereafter
 - (2) A two-thirds (2/3) affirmative vote of the eligible voters who vote in special election called for said purpose by the Principal Chief pursuant to the rules and regulations that The Muscogee (Creek) National Council shall prescribe.
- (b) It shall be the duty of the Principal Chief to set such an election date at the request of a majority of The Muscogee (Creek) National Council within thirty (30) calendar days.
- ~~(c) Amendments ratified shall be submitted to the Secretary of the Interior or his agent for his approval and shall have full force and effect from the date of approval. The Secretary of the Interior or his agent shall give his approval or disapproval in writing within ninety (90) days, citing reason if disapproved. Failure to respond in the time limits set forth shall be construed as an act of approval.⁸~~

ARTICLE X

- Section 1. This Constitution, when ratified by:
- (a) Those eligible to vote herein defined as:
- (1) Those persons whose names appear on the final rolls of the Act of April 26, 1906 (34 Stat. 137) or
 - (2) Those persons who are lineal descendants of a person whose name appears on the final rolls of April 26, 1906, (34 Stat. 137) and

⁸Amended by NCA 02-153 referendum vote on April 2003

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- (b) A majority of those eligible who are registered to vote who vote in this Constitution Ratification Election of the Muscogee (Creek) Nation provided at least 30 percent of those registered voters shall vote.

SHALL BECOME EFFECTIVE UPON THE DATE OF RATIFICATION

Section 2. For the purposes of the first election of officers and representatives under this Constitution:

- (a) Those persons eligible to vote shall include all persons registered for the Constitution Ratification Election and those persons thereafter registered who are Muscogee (Creek) Indian by blood and 18 years of age or more on the date of the election.
- (b) Each district shall elect one representative.